

EXHIBIT 4

From: [Kristopher Davis](#)
To: [Sim, Charlie](#)
Cc: [Robb, Andrew](#); [Jason Wietholter](#); [Marc Fenster](#); headwater@raklaw.com; [*** GDCVerizon-Headwater](#); [Singh, Tej](#); [Zhang, Yi](#); [Crowson, Celine J.](#)
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence
Date: Monday, March 4, 2024 10:42:50 AM

[WARNING: External Email]

Charlie,

As you know, we disagree with the assertion that Headwater's infringement contentions are deficient but are happy to discuss any specific concerns you have. Headwater agrees that the parties should work together throughout the case to narrow issues for trial, and Headwater has attempted to offer compromises on case narrowing to address Defendants' concerns. However, Headwater does not agree to the proposal below and will oppose the motion.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Mar 1, 2024, at 10:40 AM, Sim, Charlie <CSim@gibsondunn.com> wrote:

Kris,

Defendants do not accept Headwater's most recent proposal regarding claim narrowing. Your proposal that discovery should proceed on all claims in this case (with no guidance from Headwater's deficient infringement contentions, as we have previously raised), purportedly "narrowing" to 192 claims only after months of discovery, does not realistically address the concerns Defendants raised in prior correspondence and the parties' February 22 meet and confer

In a final effort to resolve this issue without the need for motion practice, Defendants propose the following schedule for claim narrowing:

- By March 15, 2024, Headwater would serve its First Election of Asserted Claims, identifying no more than 24 asserted claims per patent, and no more than 96 claims across all patents.
- No later than 14 days after Headwater's First Election, Verizon and T-Mobile would each serve a First Election of Prior Art, identifying no more than 12 prior art references against each patent and not more than a total of 40 references across all patents.
- No later than 28 days before the service of opening expert reports, Headwater would serve a Final Election of Asserted Claims, identifying no more than five asserted claims per patent and no more than a total of 16 claims across all patents.
- No later than 28 days after Headwater's Final Election, Verizon and T-Mobile would each serve a Final Election of Prior Art, identifying no more than six asserted prior art references per patent and no more than 20 total references across all patents.

Best,
Charlie

Charlie Sim
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652
CSim@gibsondunn.com

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Thursday, February 22, 2024 5:07 PM
To: Sim, Charlie <CSim@gibsondunn.com>
Cc: Robb, Andrew <ARobb@gibsondunn.com>; Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Charlie,

In a further effort to compromise and address the timing concerns you raised, Headwater is willing to agree to the following mutual narrowing. Please let us know whether you agree.

1. No later than 21 days before the parties' exchange of proposed terms for claim construction (PR 4-1), Headwater would serve its First Election of Asserted Claims, identifying no more than 192 total asserted claims across all patents.
2. No later than 14 days after submission of the parties' Joint Claim Construction Statement, Headwater would serve its Second Election of Asserted Claims, identifying no more than 128 total asserted claims across all patents.
3. No later than 14 days after Headwater's First Election, Verizon/T-Mobile would serve its First Election of Prior Art, identifying no more than 64 total references across all patents.
4. No later than 28 days before the service of opening expert reports, Headwater would serve its Third Election of Asserted Claims, identifying no more than 64 total asserted claims across all patents.
5. No later than 28 days after Headwater's Second Election, Verizon/T-Mobile would serve its Second Election of Prior Art, identifying no more than 32 total references across all patents.

Regards,
Kris

Kristopher Davis
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Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Feb 22, 2024, at 1:14 PM, Sim, Charlie <CSim@gibsondunn.com> wrote:

Counsel,

We write to memorialize the issues discussed on today's lead-and-local conference.

Supplementation of Contentions. We reiterated that we intend to seek leave to supplement Verizon's invalidity contentions to align them with T-Mobile's, and further supplement both Verizon's and T-Mobile's contentions to align them with those served by AT&T. We further explained that our planned supplementation will also include some additional evidence and citations in support of our already-disclosed system art theories, related to the Android Operating System. See Exs. A-16 and D-17 to Verizon and T-Mobile's Invalidity Contentions.

We reiterated our previous proposal that the parties agree to mutual supplementation of infringement and invalidity contentions, given that Headwater has already served supplemental infringement contentions against Verizon without seeking leave of Court. Headwater indicated its belief that the Local Rules did not require it to seek leave of Court to supplement its infringement contentions since they were served in response to deficiencies identified by Defendants. As for Headwater's opposition to Defendant's proposed supplementation, when we requested that Headwater identify any prejudice from the supplementation, Headwater identified only the "time that has passed." Headwater agreed to get back to Defendants by tomorrow on whether Headwater will agree to mutual supplementation, or whether the parties are instead at an impasse.

Claim Narrowing. We reiterated our concerns from our February 2, 2024 letter and February 13, 2024 meet-and-confer, and specifically reiterated that Headwater's proposal for claim narrowing is insufficient, and Defendants require a substantial reduction in the number of asserted claims occurring well in advance of the start of the claim construction process. Headwater committed to following up with Defendants this afternoon to indicate whether they are able to commit to such narrowing, or whether the parties are at an impasse.

Finally, as to both of the above issues, the parties agreed that this conference satisfied the requirements of Local Rule CV-7(h) as to any future motion practice related to the above issues.

Best,
Charlie

Charlie Sim
Associate Attorney

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CSim@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Tuesday, February 20, 2024 2:38 PM
To: Sim, Charlie <CSim@gibsondunn.com>
Cc: Robb, Andrew <ARobb@gibsondunn.com>; Jason Wietholter

<jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>;
headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi
<yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Charlie,

Headwater is available at 11:00 am PT on Thursday.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Feb 20, 2024, at 7:32 AM, Sim, Charlie <CSim@gibsondunn.com> wrote:

Counsel,

We have not heard back from you on our proposal to meet and confer at 11am ET today. Please confirm whether Headwater can be available at 11am ET today within the next fifteen minutes, and we will circulate a dial-in.

Otherwise, please identify specific times on Thursday when Headwater is available for a lead and local meet and confer.

Thanks,
Charlie

Charlie Sim
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652
CSim@gibsondunn.com

GIBSON DUNN
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From: Sim, Charlie <CSim@gibsondunn.com>
Sent: Monday, February 19, 2024 5:09 PM
To: Kristopher Davis <kdavis@raklaw.com>; Robb, Andrew
<ARobb@gibsondunn.com>

Cc: Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Correction – that should read “tomorrow (February 20th).”

Thanks,
Charlie

Charlie Sim
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652
CSim@gibsondunn.com

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Sim, Charlie
Sent: Monday, February 19, 2024 5:08 PM
To: 'Kristopher Davis' <kdavis@raklaw.com>; Robb, Andrew <ARobb@gibsondunn.com>
Cc: Jason Wietholter <jwietholter@raklaw.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>
Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Hi Kris,

Defendants are available for a lead and local M&C tomorrow (February 19th) at 11am ET. Please let me know if this time works for you, and we can circulate a dial-in.

Thanks,
Charlie

Charlie Sim
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652
CSim@gibsondunn.com

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Saturday, February 17, 2024 11:48 AM
To: Robb, Andrew <ARobb@gibsondunn.com>

Cc: Jason Wietholter <jwietholter@raklaw.com>; Sim, Charlie <CSim@gibsondunn.com>; Marc Fenster <mfenster@raklaw.com>; headwater@raklaw.com; *** GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>; Singh, Tej <tej.singh@hoganlovells.com>; Zhang, Yi <yi.zhang@hoganlovells.com>; Crowson, Celine J. <celine.crowson@hoganlovells.com>

Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Andrew,

Please let us know your availability on Tuesday/Thursday (Feb. 20/22) for the M&C.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Feb 16, 2024, at 1:17 PM, Robb, Andrew
<ARobb@gibsondunn.com> wrote:

Counsel –

You stated on the call that you would, in parallel, find times for a lead-local call to discuss this and the supplementation of invalidity and infringement contentions. We have not heard back from you on that. By COB today, can you please provide Headwater's availability for a lead-local call early next week?

Best regards,
Andrew

Andrew Robb
Associate Attorney

T: +1 650.849.5334 | M: +1 408.960.9187
ARobb@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
310 University Avenue, Palo Alto, CA 94301-1744

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Friday, February 16, 2024 1:11 PM

To: Robb, Andrew <ARobb@gibsondunn.com>
Cc: Jason Wietholter <jwietholter@raklaw.com>; Sim, Charlie
<CSim@gibsondunn.com>; Marc Fenster
<mfenster@raklaw.com>; headwater@raklaw.com; ***
GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) -
Correspondence

[WARNING: External Email]

Andrew,

Please find below Headwater's proposal on asserted claim and prior art narrowing:

1. No later than 14 days after submission of the parties' Joint Claim Construction Statement, Headwater would serve its First Election of Asserted Claims, identifying no more than 128 total asserted claims across all patents.
2. No later than 14 days after Headwater's First Election, Verizon/T-Mobile would serve its First Election of Prior Art, identifying no more than 64 total references across all patents.
3. No later than 28 days before the service of opening expert reports, Headwater would serve its Second Election of Asserted Claims, identifying no more than 64 total asserted claims across all patents.
4. No later than 28 days after Headwater's Second Election, Verizon/T-Mobile would serve its Second Election of Prior Art, identifying no more than 32 total references across all patents.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

On Feb 13, 2024, at 3:42 PM, Robb, Andrew
<ARobb@gibsondunn.com> wrote:

Counsel – to confirm, on the call, we stated our position, and you stated you would get back to us this week with a counter-proposal. Given the need to get resolution on this issue promptly, the length

of time it has been outstanding with no substantive proposal from Headwater, and the unlikelihood that the parties will agree, you agreed to check schedules for a lead-local call in parallel. To that end, please let us know when your side is available for a lead-local call this week.

Best regards,
Andrew

Andrew Robb
Associate Attorney

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ARobb@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
310 University Avenue, Palo Alto, CA 94301-1744

From: Robb, Andrew
Sent: Tuesday, February 13, 2024 10:33 AM
To: 'Jason Wietholter' <jwietholter@raklaw.com>;
Sim, Charlie <CSim@gibsondunn.com>
Cc: Marc Fenster <mfenster@raklaw.com>;
Kristopher Davis <kdavis@raklaw.com>;
headwater@raklaw.com; *** GDCVerizon-
Headwater <GDCVerizon-Headwater@gibsondunn.com>
Subject: RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Counsel –

We can attend at that time. We'll need to use the following dial-in information, instead of the zoom link. We'll update the calendar invitation shortly to reflect that.

Dial-in: 877-420-0272
Guest code: 6508495334

Andrew Robb
Associate Attorney

T: +1 650.849.5334 | M: +1 408.960.9187
ARobb@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
310 University Avenue, Palo Alto, CA 94301-1744

From: Jason Wietholter <jwietholter@raklaw.com>
Sent: Tuesday, February 13, 2024 9:58 AM

To: Sim, Charlie <CSim@gibsondunn.com>
Cc: Marc Fenster <mfenster@raklaw.com>;
Kristopher Davis
<kdavis@raklaw.com>;headwater@raklaw.com; ***
GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D.
Tex.) - Correspondence

[WARNING: External Email]

Thanks for clarifying, Charlie.

A lead and local meet and confer is premature at this point, especially in light of the fact that the parties have already agreed to meet and confer today at 1:30PM PT to discuss claim narrowing. Please confirm that Verizon will be attending the meet and confer today.

Regards,

Jason Wietholter

Russ, August & Kabat

12424 Wilshire Boulevard, 12th Floor | Los Angeles,
California 90025

Main +1 310 826 7474 | jwietholter@raklaw.com |
www.raklaw.com

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On Feb 12, 2024, at 6:38 PM, Sim,
Charlie <CSim@gibsondunn.com>
wrote:

Apologies for the miscommunication,
Jason.

We would like to proceed with a lead and local meet and confer. Please indicate the times when Headwater is available this week.

Thanks,
Charlie

Charlie Sim
Associate Attorney

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607.339.1652
CSim@gibsondunn.com

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY
10166-0193

From: Jason Wietholter
<jwietholter@raklaw.com>
Sent: Monday, February 12, 2024 6:08 PM
To: Sim, Charlie
<CSim@gibsondunn.com>
Cc: Marc Fenster
<mfenster@raklaw.com>; Kristopher Davis <kdavis@raklaw.com>;
headwater@raklaw.com; ***
GDCVerizon-Headwater <GDCVerizon-Headwater@gibsondunn.com>
Subject: Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

Charlie,

Your email from this afternoon is the first indication that you sought a meet and confer with lead and local counsel. We are unable to confirm availability on such short notice.

We will plan on meeting and conferring without lead and local counsel tomorrow at 1:30PM PT as previously agreed.

Thanks,

Jason Wietholter
Russ, August & Kabat
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Los Angeles, California 90025
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jwietholter@raklaw.com |
www.raklaw.com

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On Feb 12, 2024, at
1:57 PM, Sim, Charlie
<CSim@gibsondunn.com
> wrote:

Thank you Jason,

Lead and local counsel for
Verizon and T-Mobile are
available tomorrow at
1:30pm PT. We will
circulate a dial-in
momentarily.

Please confirm that lead
and local counsel for
Headwater will be on for
that conference.

Thanks,
Charlie

Charlie Sim
Associate Attorney

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[+1 607.339.1652](tel:+16073391652)
CSim@gibsondunn.com

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LLP
200 Park Avenue, New
York, NY 10166-0193

From: Jason Wietholter
<jwietholter@raklaw.com
>

Sent: Friday, February 9,
2024 5:08 PM

To: Sim, Charlie

<CSim@gibsondunn.com

>

Cc: Marc Fenster

<mfenster@raklaw.com>;

Kristopher Davis

<kdavis@raklaw.com>;

headwater@raklaw.com;

*** GDCVerizon-

Headwater <[GDCVerizon-](mailto:GDCVerizon-Headwater@gibsondunn.com)

Headwater@gibsondunn.com>

Subject: Re: Headwater v.
Verizon (23-cv-352) (E.D.
Tex.) - Correspondence

[WARNING: External Email]

Charlie,

We are available to meet
and confer on Tuesday at
10AM PT or 1:30PM PT.
Please let us know which
of those times work for
you and circulate a dial in.

Regards,

Jason Wietholter

Russ, August & Kabat

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Los Angeles, California

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jwietholter@raklaw.com

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-

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On Feb 9,
2024, at
2:16 PM,
Sim, Charlie
<CSim@gibsondunn.com
> wrote:

Counsel,

Following up
on the
below
corresponde
nce from
Verizon, and
the similar
corresponde
nce on
behalf of T-
Mobile.

Headwater
continues to
refuse to
engage in
meaningful
narrowing of
the asserted
claims.
Verizon and
T-Mobile
both raised
this issue
months ago
during
negotiation
of the
Docket
Control
Orders in
their
respective

litigations,
explained
the undue
burden of
litigating
hundreds of
asserted
claims, and
proposed a
timely
narrowing of
the asserted
claims by
November.
Headwater
rejected our
proposal as
“premature.”
In letters
served on
February 2,
2024, on
behalf of
Verizon and
T-Mobile,
we again
requested
that
Headwater
commit to
meaningful
narrowing of
its nearly
three-
hundred
asserted
claims, and
proposed a
reasonable
schedule for
doing so.

The need for
meaningful
narrowing of
the asserted
claims is
urgent—
Headwater’s
refusal to
even discuss
this issue
continues to

prejudice
Verizon and
T-Mobile in
the
preparation
of their
defenses.

Please
indicate
times early
next week
when
Headwater
is available
to meet and
confer
regarding
our proposal
for claim
narrowing
(and a
commensur
ate
narrowing of
asserted
prior art). If
we cannot
reach
agreement
on claim
narrowing,
we intend to
seek relief
from the
Court.

Best,
Charlie

Charlie Sim
Associate
Attorney

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212.351.627
4 | M: +1
607.339.165
2
CSim@gibs
ondunn.com

GIBSON
DUNN
Gibson,

Dunn &
Crutcher
LLP
200 Park
Avenue,
New York,
NY 10166-
0193

From: Sim,
Charlie
<CSim@gibsondunn.com>
>

Sent: Friday,
February 2,
2024 9:06
AM

To: Marc
Fenster
<mfenster@raklaw.com>
>; Kristopher
Davis
<kdavis@raklaw.com>;
headwater@raklaw.com

Cc: ***
GDCVerizon-
Headwater
<GDCVerizon-Headwater@gibsondunn.com>
>

Subject:
Headwater
v. Verizon
(23-cv-352)
(E.D. Tex.) -
Correspondence

Counsel,

Please see
the attached
correspondence on
behalf of
Verizon.

Charlie

Charlie Sim
Associate
Attorney

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212.351.627
4 | M: +1
607.339.165
2
CSim@gibs
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**GIBSON
DUNN**

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Dunn &
Crutcher
LLP
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New York,
NY 10166-
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at
[https://www.](https://www.ondunn.com)

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